



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 10, 2006

The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Conyers:

Thank you for your letter, dated November 9, 2005, to the Attorney General regarding the recent enforcement actions taken by the European Commission ("EC") in its ongoing antitrust case against Microsoft. An identical response is being sent to Chairman Sensenbrenner.

Consistent with our common practice in matters where both the Department and competition authorities in other countries have an interest, the Department has consulted with the EC in an attempt to ensure that any actions taken by the EC do not conflict with the remedies obtained by the Department on very similar antitrust issues in the United States. We share your concerns regarding the recent reports of EC activities that could result in an unnecessary diminution of Microsoft's intellectual property rights, and appreciated having the benefit of your perspective as we considered how best to respond. While we have decided not to formally intervene in Microsoft's appeal before the Court of First Instance, we are continuing to raise our concerns through direct dialogue between the Antitrust Division and the EC competition authority.

In addition, the Department works closely with foreign authorities to promote principled agreement on the proper application of antitrust law to intellectual property rights, as recognized in the Report of the Department of Justice's Task Force on Intellectual Property issued in October 2004. As part of this process, the Department also actively encourages foreign authorities to adopt strong intellectual property regimes that increase innovation incentives and consumer welfare.

If we can be of further assistance on this or any other matter, please do not hesitate to contact this office.

Sincerely,

William E. Moschella
Assistant Attorney General